IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

CRP.No. 858 of 2007(E)

I.A. 3563/07 IN OP.1/2007 of III ADDL. M.C.,THRISSUR
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REVN. PETITIONER: RESPONDENTS 1,2 AND 4 TO 7
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1. K.K.KALYANI, W/O KAYAMATTU VEETTIL KRISHNANKUTTY, PADIPPARA DESOM, PEECHI VILLAGE, MUKUNDAPURAM TALUK.

2. PARU, W/O ARAMTHODI VEETTIL NARAYANAN, MANJAPRA PULINKUTTAM DESOM, KANNAMBARA VILLAGE, ALATHUR TALUK, PALAKKAD DISTRICT.

3. K.M.SAHADEVAN, S/O K.K.JANAKI, KANNARA CHEENIKADAVU DESOM, PEECHI VILLAGE, THRISSUR TALUK.

4. K.N.SREENIVASAN, S/O K.K.JANAKI, KANNARA CHEENIKADAVU DESOM, PEECHI VILLAGE, THRISSUR TALUK.

5. UNNIKRISHNAN, S/O K.K.JANAKI, KANNARA CHEENIKADAVU DESOM, PEECHI VILLAGE, THRISSUR TALUK.

6. K.M.KAMALAM, W/O KOOTTALA VEETTIL VINAYAN, ALAUMVETTUVAZHI DESOM, CHIYYARAM VILLAGE, THRISSUR TALUK.

BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
SRI.GEEN T.MATHEW

RESPONDENTS: PETITIONERS 1 & 2 AND RESPONDENTS 3 & 8
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1. AYYAPPAN, S/O KEEZHETH KUNJAN, CHUVANNAMANU DESOM, PANACHERY VILLAGE, THRISSUR TALUK.

2. RAGHAVAN, S/O KEEZHETH KUNJAN,
CHUVANNAMANNU DESOM,
PANACHERY VILLAGE, THRISSUR TALUK.

3. K.N.SOMAN, S/O K.K.JANAKI,
CHEENIKKADAVU DESOM,
PEECHI VILLAGE, THRISSUR TALUK.

4. KRISHNAN, S/O KEEZHETH KUNJAN,
CHUVANNAMANNU DESOM, PANACHERY VILLAGE,
THRISSUR TALUK.

R1 TO R3 BY ADV. SRI.MILLU DANDAPANI

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.2385 OF 2007
IN
C.R.P.C. NO.858 OF 2007

DISMISSED

19/11/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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C.R.P. NO. 858 OF 2007

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Dated this the 19th day of November, 2007.

O R D E R

This revision petition is preferred against the order of the 3rd Additional Munsiff, Thrissur and the prayer is to set aside the order of the learned Munsiff in OP 1/07. I am informed that a suit is filed for partition as O.S.950/07 before the first Additional Munsiff Court, Thrissur and in that suit the genuineness of the Will No.32/90 is under challenge. Now, by the order in the OP the learned Munsiff has permitted the petitioners therein to deposit the amount and has further held that it will amount to discharge. Since the very genuineness of the Will is challenged and it is pending adjudication I feel that the entire matter has to be decided in that case. Therefore, I dispose of the CRP modifying the order of the Court below to the extend that permission is granted to

deposit Rs.9,000/-. Whether it amounts to discharge etc. are questions that will depend upon the result of the partition suit where the genuineness of the Will is under challenge.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-